## REMARKS

This paper is submitted in response to the pending Office Action mailed on August 22, 2006. Because this Response is submitted on or before the shortened statutory period for reply set to expire on **November 22, 2006**, this Response is timely filed.

## I.     STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 7 and 9 to 22 were pending and at issue. By this Response, independent claims 1, 14 and 18 have been amended to ensure clarity and consistency. These amendments have not been made to address any claim rejection or other statutory deficiency. No claims have been added or canceled by this Response. Claims 1 to 7 and 9 to 22 remain pending and at issue.

While Applicants believe that no additional fees are due in connection with this application, Applicants direct the Office to charge **Deposit Account No. 23-1925 (08285-00776)** for any additional fees deemed owed.

## II.     CLAIMS REJECTIONS

The Office Action rejects: claims 1 to 5, 9 to 11 and 14 to 22 under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,729,592 to Frech et al. (hereinafter "*Frech*") in view of U.S. Patent No. 6.006.098 to Rathnasabapathy et al. (hereinafter "*Rathnasabapathy*"); and claims 6, 7, 10, 12, 13 and 21 under 35 U.S.C. §103 as obvious over *Frech* in view of *Rathnasabapathy* and further in view of U.S. Patent No. 5,636,269 to Eisdorfer (hereinafter "*Eisdorfer*").

Applicants respectfully traverse the pending obviousness rejection of independent claims 1, 14 and 18 based on *Frech* and *Rathnasabapathy*. In particular, none of the cited references either alone, or in combination with each other or the knowledge generally available to one of ordinary skill in the art, discloses each and every element set forth in claims, much less provides the suggestion or motivation necessary to establish a *prima facie* case of obviousness[1]. For example, independent

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[1]     To establish a *prima facie* case of obviousness, three basic criteria must be met.
  (a)  First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
  (b)  Second, there must be a reasonable expectation of success.
  (c)  Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

claim 1 recites, among other things, a method for processing a call that includes receiving a current call at a called party's switch and determining that the called communication station is busy on a previous call. The method further includes. transmitting information from the called party's switch to a hub switch, **and not a service node,** if the called communication station is busy on the previous call, and using the hub switch to generate a query that requests information associated with the calling communication station which, in turn directs a signal transfer point to obtain information from a database. The obtained information associated with the calling communication station is provided by the signal transfer point in response to the query and transmitted to the calling communication station to the called communication station. In other words, when a new call cannot be completed because the called communication station is occupied with another call, a database that is not part of a service node can be queried to provide additional caller information which, in turn, can be provided to the called communication station thereby allowing the called party to decide whether or not to take the new call.

None of the cited references, either alone or in combination, discloses the claimed subject much less the system in which it is utilized and operates. *Frech* simply discloses a system and method for providing a synthesized announcement of a caller's name that includes a centralized synthesis apparatus to reduce network and infrastructure costs. *Frech* utilizes multiple calls and queries to a service circuit node/intelligent peripheral (SCN/IP), i.e., **a service node,** to provide this synthesized announcement for all calls received at a terminating switch 102. For example, *Frech* at col. 3, lines 43 to 64 discloses receiving and forwarding a first or initial call to the service noted or SCN/IP 131 and querying an SCP 121 for additional processing instructions. The service node or SCN/IP 131, in response to the instructions, places a second call, which replaces the initial call, and is directed to the called station. At this point the SCP 121 is queried again and provides the synthesized announcement to the called station. In this way, each incoming call is intercepted and routed to the service node or SCN/IP 131 for processing. The service node, in turn, initiates a second call called station which includes the requested instruction. The second call provides the

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reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.
*In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143 - §2143.03 for decisions pertinent to each of these criteria.

called party with an opportunity to decide whether or not to proceed with the incoming first call. Thus, the system of *Frech* intercepts and directs every incoming call to the **service node** or SCN/IP 131. *Frech* does not disclose a system that does not utilize a service node, as recited at least by independent claims 1, 14 and 18, rather *Frech* explicitly relies on a service node in its operations and intercepting of all of the incoming calls to the called station.

*Rathnasabapathy* does not does not provide the elements missing from *Frech.* *Rathnasabapathy* simply discloses a signal transfer point and databases that process queries related to global title translation, local number portability, etc. *Rathnasabapathy* does not disclose, or even suggest, providing caller information in response to a busy called station.

*Eisdorfer* is cited in connection with dependent claims 6, 7, 10, 12, 13 and 21. *Eisdorfer* does not provide the elements missing from *Rathnasabapathy* and/or *Frech.* *Eisdorfer* simply discloses utilizing an intelligent processor to collect a voice print from a caller. The voice print, in turn, is utilized to determine the caller's identity (presumably in place of the standard caller identification information) and is provided to the service control point (SCP) for further routing. *Eisdorfer* does not disclose, or even suggest, providing caller information in response to a busy called station. Thus, dependent claims 6, 7, 10, 12, 13 and 21 are likewise patentable over the relied upon combination of *Frech, Rathnasabapathy* and *Eisdorfer.*
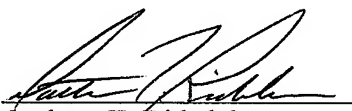
Because the relied upon combination of *Frech* and *Eisdorfer,* together or in combination with *Eisdorfer,* does not disclose not utilizing a service node to provide information as set forth in the claims 1 to 7 and 9 to 22, these references are insufficient to establish a *prima facie* case of obviousness. Thus, Applicants submit that these references do not render claim 1 to 7 and 9 to 22 obvious. Withdrawal and reconsideration of these rejections is respectfully requested.

III.     CONCLUSION

For the foregoing reasons, Applicants respectfully request withdrawal of the pending rejections and submit that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

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Dated: **November 21, 2006**